

DELEGATION OF AUTHORITY

DATE: 8-15-2011

CLEAN AIR ACT

7-37. Administrative Enforcement Actions: New Source Review Orders

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authority contained in Delegation 7-37 issued by EPA Headquarters on January 18, 2017.

B. Authority. Pursuant to the Clean Air Act (CAA), to determine that a state is not acting in compliance with a requirement of the Interpretive Ruling on nonattainment new source review referred to in Section 129(a)(1) of the CAA Amendments of 1977 or a plan provision required under the CAA, and upon such a determination, to issue a new source review order under Section 113(a)(5).

2. TO WHOM REDELEGATED. The Director, Office of Environmental Stewardship (OES).

3. REDELEGATION AUTHORITY.

A. This authority may be redelegated to the Branch Chief level or equivalent, and no further.

B. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. The Director, OES, or his/her designee, must consult with the Regional Administrator (RA) and the Assistant Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA) before exercising the above authority to issue administrative orders.

B. The RA and the AA for OECA may waive, in writing, consultation requirements.

C. Prior to exercising the authority to issue administrative orders, the Director, OES, or his/her designee, shall consult with the Manager, Legal Enforcement Office, OES, or his/her designee regarding the legal sufficiency of the action.

D. The Manager, Legal Enforcement Office, OES, or his/her designee, shall be responsible for consulting with the Regional Counsel, or his/her designee, regarding significant counseling issues.

E. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

F. The AA for OECA may exercise these authorities in multi-regional cases or cases of national significance.

G. The AA for OECA must notify any affected RA before exercising the above authority to issue administrative orders.

ENVIRONMENTAL PROTECTION AGENCY
REGION I - BOSTON

CLASS. NO. 1200
DELEGATION NO. 7-37

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5. ADDITIONAL REFERENCES.

A. Injunctive relief is covered by the Chapter 7 delegations entitled *Civil Judicial Enforcement Actions* and *Emergency Temporary Restraining Orders*.

B. Section 110(a)(2)(I) of CAA.

6. SUPERSESSSION. Region I Delegation 7-37, dated November 6, 2000.



Deborah A. Szaro
Acting Regional Administrator

8/15/17
Date